

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NEW MEXICO TRAPPERS
ASSOCIATION, NATIONAL
TRAPPERS ASSOCIATION, AND
FUR TAKERS OF AMERICA, INC.,

PLAINTIFFS,

Case No: 1:23-cv-444 KK-SCY

vs.

RAÚL TORREZ, IN HIS OFFICIAL
CAPACITY AS ATTORNEY
GENERAL OF NEW MEXICO,
TIRZIO LOPEZ, IN HIS OFFICIAL
CAPACITY AS VICE-CHAIR OF THE
NEW MEXICO STATE GAME
COMMISSION, AND MICHAEL
SLOANE, IN HIS OFFICIAL
CAPACITY AS DIRECTOR OF THE
NEW MEXICO DEPARTMENT OF
GAME AND FISH,

Defendants

**NOTICE OF CONSTITUTIONAL CHALLENGE PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 5.1**

PLEASE TAKE NOTICE, pursuant to Federal Rule of Civil Procedure 5.1, that Plaintiffs, through their undersigned attorneys, have raised a challenge to the constitutionality of New Mexico’s Wildlife Conservation and Public Safety Act (the “Act”), N.M.S.A. §§ 17-11-1 *et seq.* The Act generally prohibits trapping, snaring, and using wildlife poison for purposes of capturing, injuring, or killing an animal on public land. The Act, however, contains an exception for “enrolled members of a federally recognized Indian nation, tribe or pueblo when trapping is

conducted solely for religious or ceremonial purposes pursuant to the rules issued by the department of game and fish in collaboration with the secretary of Indian affairs and consistent with federal procedures for recognition and protection of bona fide Indian nation, tribe or pueblo religious ceremonies.” Accordingly, the legal issue raised is whether the Act, and further enforcement of the Act, violates the Equal Protection and Establishment Clauses of the United States Constitution. This Notice is provided to the New Mexico Attorney General to allow for intervention.

Dated: May 23, 2023

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